

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CAREY SMITH,

Plaintiff,

SCHEDULING ORDER

vs.

18-CV-6658-DGL-MJP

NEW YORK STATE, CORRECTIONS
OFFICER KYLE KENNEDY in his individual
capacity, CORRECTIONS OFFICER JOHN
CRANCE in his individual capacity, et al.,

Defendants.

Pursuant to the order of the Hon. David G. Larimer referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Fed. R. Civ. P. Rule 16(b) and Local Rule 16, and a conference having been held on January 29, 2020, with counsel relative to the matter, it is

ORDERED that:

1. All Orders pursuant to Fed. R. Civ. P. 26(c) (protective/confidentiality orders) shall be submitted by **February 28, 2020**.
2. All mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure, as well as any objections to the mandatory disclosure requirements, shall be completed on or before **March 2, 2020**.
3. All motions to join other parties and to amend the pleadings shall be filed on or **April 2, 2020**.

4. All factual discovery in this case shall be completed on or before **October 14, 2020**. All motions to compel discovery shall be filed by **September 14, 2020**.
5. Plaintiffs shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **November 16, 2020**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **December 16, 2020**. All parties shall complete all discovery relating to experts, including depositions, by **February 26, 2021**.
6. Dispositive motions, if any, shall be filed no later than **May 7, 2021**. Unless a consent to proceed before this Court will be filed, such motions shall be made returnable before Judge Larimer. Responding papers shall be filed no later than **June 1, 2021**. Reply papers shall be filed no later than **June 15, 2021**.
7. An in-person status conference will be held with the Court at 2310 U.S. Courthouse, Rochester, New York on **October 28, 2020, at 1:00 p.m.** Plaintiff is required to attend this conference and if she unable to do so, Plaintiff's counsel is directed to inform the Court in a timely fashion and to provide several dates and times on which Plaintiff would be able to attend such conference.
8. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions.

If no dispositive motions are filed, counsel shall immediately contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- a. Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- b. Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- c. Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- d. Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

9. Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date, and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

10. The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

SO ORDERED.

DATED: January 29, 2020
Rochester, New York

1/29/20
/s/ Mark W. Pedersen
MARK W. PEDERSEN
United States Magistrate Judge